

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY

To:

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PCT

INVITATION TO RESTRICT OR
TO PAY ADDITIONAL FEES

(PCT Article 34(3) (a) and Rule 68.2)

Date of mailing (Day/month/year) 14.11.2000	
Applicant's or agent's file reference 110/01357	REPLY OR PAYMENT DUE within 1 month(s) from the above date of mailing
International application No. PCT/IL00/00056	International filing date (day/month/year) 27/01/2000
Priority date (day/month/year) 27/01/1999	
International Patent classification (IPC) or national Patent classification: A61F2/46	
Applicant DISC-O-TECH MEDICAL TECHNOLOGIES, LTD. et al.	

1. This International Examining Authority

- (i) considers that **the international application does not comply with the requirements of unity of invention** (Rule 13.1, 13.2 and 13.3) for the reasons indicated in the Annex.
 - (ii) therefore considers that there are **2 inventions** claimed in the international application as indicated in the Annex.
 - (iii) recalls that claims relating to inventions in respect of which no international search report has been established need not be the subject of international preliminary examination (Rule 66.1 (e)).
2. Consequently the applicant is hereby **invited**, within the time limit indicated above, **to restrict the claims** as suggested under item 3, below, **or to pay** the amount indicated below:

$$\frac{\text{EUR 1533.00}}{\text{Fee per additional invention}} \times \frac{001}{\text{number of additional inventions}} = \frac{\text{EUR 1533.00}}{\text{total amount of additional fees}}$$

The applicant is informed that, according to Rule 68.3 (c), **the payment of any additional fee may be made under protest**, i.e. a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

- 3. **If the applicant opts to restrict the claims**, this Authority suggests the restriction possibilities indicated in the Annex, which in its opinion would be in compliance with the requirement of unity of invention.
- 4. **In the absence of any response** from the applicant, this Authority will establish the international preliminary examination report on those parts of the international application indicated in the Annex which, in the opinion of this Authority appear to relate to the main invention.

Name and mailing address of the
international preliminary examination authority:

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**INVITATION TO RESTRICT
OR TO PAY ADDITIONAL FEES**

International application No. PCT/IL00/00056

1. This International Preliminary Examining Authority considers that there are the following **2** inventions claimed in the international application:
 - a) the **apparatus for controlling the deformation of an implant** according to claim 1, followed by dependent claims 2 to 72, and
 - b) the **measurement apparatus for taking measurements inside the body** according to independent claim 90, followed by dependent claims 91 to 99.

These **2** inventions are not so linked that they form a single general inventive concept. The single general inventive concept linking the inventions according to different claims can be defined by the common features of these claims. However, in the present case there are no common features in independent claims 1 and 90. Consequently, there is no common concept linking these claims.

Thus, the application does not comply with the requirements of unity of invention (Rule 13.1 PCT).

2. If the applicant opts to restrict the claims, this Authority suggests the restriction on claims 1 to 72.
3. In the absence of any response from the applicant, this Authority will establish the international preliminary examination report on the basis of claims 1 to 72 which, in the opinion of this Authority, appears to relate to the main invention.
4. Reference is made to the fact that claims 73 to 89 have not been searched since these claims have been considered by the International **Searching** Authority as relating to methods for treatment of the human or animal body by surgery. This International Preliminary **Examining** Authority takes the same view since it is clear from the description on page 25, lines 4 to 7, that the devices described in the description of the present application are preferably applied inside the body and that these devices may also be used to expand an implant in an animal. Thus, the methods according to independent claims 73 and 83 imply surgical procedures performed on the human or animal body.